

October 23, 2017

The Honorable Brian M. Cogan United States District Judge for the Eastern District of New York 225 Cadman Plaza East Brooklyn, NY 11201

Re: United States v. Joaquín Archivaldo Guzmán Loera

Case No. 09-CR-0466(S-4)(BMC)

Dear Judge Cogan:

I respectfully submit this reply to the government's letter filed October 20, 2017 (Doc. No. 157), which responded to my letter of September 6, 2017 (Doc. No. 126), wherein I informed the Court of a remote potential conflict of interest caused by my current representation of Mr. Guzmán and my brief prior representation of a co-defendant.

In its letter, the government states:

Thus, we believe that a potential conflict of interest exists in Balarezo's representation of both the co-defendant and Guzman, because, at the very least, Balarezo's representation of Guzman violates his duty of loyalty to the co-defendant and impairs his representation of the defendant. For example, Balarezo would be conflicted in his ability to render advice to one client on the potential benefits of providing cooperation against the other, or to develop a particular defense from facts learned from one client to the benefit of the other.

Doc. No. 157. I believe my initial letter was clear:

I never personally met with, spoke to or otherwise discussed any matters with the co-defendant or the relative. Neither did I communicate directly with them in any other way. I did not obtain any information that may be at issue in this case directly or indirectly from the co-defendant or the relative. All my communications were through the Mexican lawyer. Neither the co-defendant, the relative nor any third party paid me for any services rendered and I never entered an appearance here on the co-defendant's behalf, or anywhere else on behalf of the relative. Finally, the co-defendant and his relative are not in the United States.

Doc. 126. Thus, the government's suggestion that my representation of Mr. Guzmán actually "violates [my] duty of loyalty to the co-defendant and impairs [my] representation of Mr.



Guzman, is without basis. The government's suggestion that I would be conflicted in my ability to render advice to one client on the potential benefits of providing cooperation against another is similarly off the mark.

First, I no longer represent the co-defendant. In fact, that representation ended long before I began my representation of Mr. Guzman. That representation was very limited as noted in my prior letter. Second, Mr. Guzman *is not cooperating* with the government and does not intend to cooperate with the government; therefore, there is no advice to give Mr. Guzmán regarding potential cooperation. Third, the co-defendant is not in the United States and even if he were and wished to cooperate, I no longer represent him and he would have conflict free counsel advising him.

Nevertheless, out of an abundance of caution, I respectfully request that the Court re-appoint *Curcio* counsel to advise Mr. Guzmán concerning this potential conflict and to inform the Court whether Mr. Guzmán is prepared to waive it.

Thank you in advance for your consideration of this request.

Sincerely,

Counsel for Joaquín Guzmán Loera